

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ERICA MORENO and
KATTI PUTNAM,

Plaintiffs,

Case Number: 14-13829
HON. GERSHWIN A. DRAIN

v.

RON HUGHES,

Defendant.

ORDER DENYING WITHOUT PREJUDICE
DEFENDANT'S MOTION IN LIMINE [#12]

On September 8, 2015, Defendant Ron Hughes, a Michigan Department of Corrections Absconder Recover Unit Investigator, filed a Motion *in Limine* [Dkt. No. 12]. Plaintiffs filed a response, and Defendant did not file a reply. The Court conducted a hearing on December 16, 2015, and both parties were present and heard. As stated on the record at the December 16, 2015, hearing, Defendant's Motion *in Limine* is denied without prejudice.

At the December 16, 2015, hearing, the Court asked the parties whether there was any law addressing the right of a plaintiff to recover damages for emotional distress for injury to a dog (or pet) in a 42 U.S.C. § 1983 case. Neither party was able to direct the Court to a case on point. The Court believes that issue is critical in determining the value of this case in the event Defendant is liable and would like the parties to advise the Court whether any other courts have decided that specific issue and what such rulings were. As stated at hearing, the parties are to file with the Court, on or before January 6, 2016, supplemental briefs on that issue only.

Accordingly, the Court ORDERS that Defendant's Motion *In Limine* [Dkt. No. 12] is

DENIED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED the parties must file with the Court, on or before January 6, 2016, their supplemental briefs addressing the right of a plaintiff to recover damages for emotional distress for injury to a dog (or pet) in a 42 U.S.C. § 1983 case.

SO ORDERED.

Dated: December 21, 2015

/s/Gershwin A Drain
GERSHWIN A. DRAIN
UNITED STATES DISTRICT JUDGE